IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26192 of 2005

Between:

Ahmed Nizamuddin

..... PETITIONER

AND

The Managing Director, APCPDCL.

Khairtabad, Hyderabad and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in disconnecting the electricity service connection bearing No.A5010229 of the petitioner's premises, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

The petitioner submits that he is the absolute owner of the property bearing Municipal No.8-2-618/20/C, admeasuring 475 sq.yards at Road No.11, Banjara Hills, Hyderabad having purchased the same through a registered sale deed. Thereafter, the petitioner made an application to the 1st respondent on 27.10.1999 for electricity connection and accordingly service connection vide Service No.A5010229 has been provided to the premises of the petitioner. While so, on 05.12.2005 the 3rd respondent along with his Assistant Engineer came to the premises of the petitioner and without any prior intimation or notice, disconnected the power supply.

I am of the opinion that without prior notice and without making provisional assessment or final assessment of pilferage of energy, the power supply cannot be disconnected.

Having regard to the facts and circumstances of the case, the

3rd respondent is directed to restore power supply to the premises of the petitioner forthwith, if no final orders have been passed. However, if any irregularity or pilferage of energy being committed by the petitioner, it is open for the respondents to follow due procedure prescribed in law and take appropriate action for the collection of pilferage charges and penalty including the appropriate action for disconnection of power supply.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 08.12.2005

Dsr

Note:

Issue CC by tomorrow

B/o

Dsr